

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing: 16 May 2002 (16.05.02)	
International application No.: PCT/US00/42673	Applicant's or agent's file reference: 100696.00
International filing date: 06 December 2000 (06.12.00)	Priority date: 09 November 2000 (09.11.00)
Applicant: LINCOLN, Patrick et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
03 October 2001 (03.10.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer: J. Zahra
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

RUTAN & TUCKER, LLP
P.O. Box 1950
Costa Mesa, CA 92628-1950
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 13 March 2002 (13.03.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 100696.00	
International application No. PCT/US00/42673	International filing date (day/month/year) 06 December 2000 (06.12.00)

1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

Name and Address FISH & ASSOCIATES, LLP 1440 N. Harbor Boulevard, Suite 706 Fullerton, CA 92835 United States of America	State of Nationality	State of Residence
	Telephone No. 714-449-2337	
	Facsimile No. 714-449-2339	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address RUTAN & TUCKER, LLP P.O. Box 1950 Costa Mesa, CA 92628-1950 United States of America	State of Nationality	State of Residence
	Telephone No. 714-641 5100	
	Facsimile No.	
	Teleprinter No.	

3. Further observations, if necessary:
Agent's reference: 100696.00

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Anne BEUCHAT Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 FEB 2002

WIPO

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Applicant's or agent's file reference 696.11-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/42673	International filing date (day/month/year) 06 DECEMBER 2000	Priority date (day/month/year) 09 NOVEMBER 2000
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 15/173, 15/16 and US Cl.: 709/226, 229		
Applicant SRI INTERNATIONAL		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 OCTOBER 2001	Date of completion of this report 01 FEBRUARY 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer ZARNI MAUNG <i>Peggy Hancock</i> Telephone No. 703-305-3900

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/42673

I. Basis of the report

1. With regard to the elements of the international application: *

☐ the international application as originally filed☒ the description:pages 1-11, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of ☒ the claims:pages NONE, as originally filedpages NONE, as amended (together with any statement) under Article 19pages 12-14, filed with the demandpages NONE, filed with the letter of ☒ the drawings:pages 1-2, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of ☒ the sequence listing part of the description:pages NONE, as originally filedpages NONE, filed with the demandpages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☒ The amendments have resulted in the cancellation of:☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/42673

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)

Claims NONE

YES

Claims 1-21

NO

Inventive Step (IS)

Claims NONE

YES

Claims 1-21

NO

Industrial Applicability (IA)

Claims 1-21

YES

Claims NONE

NO

2. citations and explanations (Rule 70.7)

(See Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Claims 1-21 lack novelty under PCT Article 33(2) as being anticipated by Pitkin et al., U.S. Patent Number 5,341,477 (hereinafter Pitkin).

Pitkin discloses a system and method for allocating a plurality of servers with available resource capacity to a plurality of clients. Pitkin discloses the invention as claimed. Taking claim 1 as an exemplary claim, Pitkin discloses a method of recruiting a resource, comprising the process of establishing a communications link between a requesting computer (11-19) and a providing computer (21-26) that is not controlled by the requesting computer (11-19); and the requesting computer (11-19) and the providing computer negotiating a condition under which the providing computer provides the resource to the requesting computer (see column 4, lines 15-67, assigning appropriate server from server set; see column 5, line 35 to column 6, line 53).

As per claim 2, Pitkin discloses the method of claim 1 wherein the requesting computer is located at a distance of at least 1 kilometer from the providing computer (see column 4, lines 15-45).

As per claim 3, Pitkin discloses the method of claim 1 wherein the requesting computer and the providing computer are not both members of a single local area network (see figures 2-4, column 4, lines 15-45).

As per claim 4, Pitkin the method of claim 1 wherein the step of negotiating comprises negotiating a compensation rate for the use of the resource (see column 7, lines 10-68).

As per claim 5, Pitkin discloses the method of claim 1 wherein the step of negotiating comprises negotiating a subject matter to which the resource will be applied (see column 7, lines 10-68).

As per claim 6, Pitkin discloses the method of claim 1 wherein the step of negotiating comprises negotiating a percent of availability of the resource at the providing computer (see column 7, lines 10-68).

As per claim 7, Pitkin discloses the method of claim 1 wherein the step of negotiating comprises negotiating another condition under which an additional resource computer provides another resource to the requesting computer (see column 5, line 35 to column 6, line 68).

As per claim 8, Pitkin discloses the method of claim 6 wherein an additional resource computer is located at a distance of at least 1 kilometer from the requesting computer (see column 5, line 35 to column 6, line 68).

As per claim 9, Pitkin discloses the method of claim 1 further comprising: the requesting

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Sheet 11

Continuation of: Boxes I - VIII

computer obtaining an item of ratings information about the providing computer from a directory hosting computer; and the requesting computer executing a first program code that determines an extent to which the requesting computer interacts with the providing computer based at least in part upon the obtained item of ratings information (see column 5, line 35 to column 6, line 68).

As per claim 10, Pitkin discloses the method of claim 9 wherein the item of ratings information relates to a job previously executed by the providing computer with respect to at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value (see scanweight section, column 8, line 40 to column 9, line 63).

As per claim 11, Pitkin discloses the method of claim 9 wherein the step of negotiating includes the requesting computer using the item of ratings information obtained from the directory hosting computer to negotiate with the providing computer (see column 5, line 35 to column 6, line 68).

As per claim 12, Pitkin discloses the method of claim 1 further comprising the providing computer listing the resource on a directory of available resources (see column 4, line 15 to column 5, line 68).

As per claim 13, Pitkin discloses the method of claim 12 further comprising the providing computer listing the condition on the directory of available resources (see column 4, line 15 to column 5, line 68).

As per claim 14, Pitkin discloses the method of claim 12 further comprising a hosting computer hosting the directory, and associating a ratings with the providing computer (see servers 22-26).

As per claim 15, Pitkin discloses the method of claim 12 further comprising the providing computer additionally listing an item of ratings information on the directory (see column 6, lines 36-68).

As per claim 16, Pitkin discloses the method of claim 1 wherein the step of negotiating occurs automatically without any direct human intervention (see column 6, lines 1-53).

As per claim 17, Pitkin discloses the method of claim 1 further comprising the requesting computer broadcasting a recruitment message.

As per claim 18, Pitkin discloses a directory of computer controlled resources, comprising a plurality of resource descriptions; at least one condition for use of each of the plurality of resource descriptions; and at least one item of ratings information for each of the plurality of resource descriptions, wherein the at least one item of ratings information is used by a requesting computer to negotiate with a providing computer (see column 4, lines 15-67, assigning appropriate server from server set; see column 5,

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/42673

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 12

line 35 to column 6, line 53).

As per claim 19, Pitkin discloses the directory of claim 18, wherein the condition relates to at least one resource availability factor selected from: available time, subject matter restriction, task priority, compensation, and likelihood of downtime (see scanweight section, column 8, line 40 to column 9, line 63).

As per claim 20, Pitkin discloses the directory of claim 18 wherein the condition comprises an authorization for the requesting computer to report to a directory hosting computer another item of ratings information regarding an interaction between the requesting computer and the providing computer (see column 5, line 35 to column 6, line 53).

As per claim 21, Pitkin discloses the directory of claim 18, wherein the item of ratings information includes at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value (see scanweight section, column 8, line 40 to column 9, line 63).

The applicant's arguments filed on October 3, 2001 been fully considered but they are not persuasive for the reasons set forth above. In response to applicant's argument that "anticipation under 35 USC 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention...", the claims are not rejected under 35 USC 102.

----- NEW CITATIONS -----

NONE

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/42673

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06F 15/173, 15/16

US CL : 709/226, 229

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 709/226, 229

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,067,545 A (WOLFF) 23 May 2000, see figures 1a-1c, col. 2, line 30 to col.52, line 53.	1-20
X	US 5,341,477 A (PITKIN et al.) 23 August 1994, see col. 2, line 35 to col. 10, line 66.	1-20
A	US 5,983,281 A (OGLE et al.) 09 November 1999, see the whole reference.	1-20
A	US 6,128,279 A (O'NEIL et al.) 03 October 2000, see the whole reference.	1-20
A	US 5,774,660 A (BRENDEN et al.) 30 June 1998, see the whole reference.	1-20



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	* & * document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

04 MAY 2001

Date of mailing of the international search report

01 AUG 2001

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
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Authorized officer

ZARNI MAUNG

Telephone No. 703-305-3900

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/42673

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,539,883 (ALLON et al.) 23 July 1996, see the whole reference.	1-20

CLAIMS

What is claimed is:

1. A method of recruiting a resource, comprising:
establishing a communications link between a requesting computer and a providing computer that is not controlled by the requesting computer; and
the requesting computer and the providing computer negotiating a condition under which the providing computer provides the resource to the requesting computer.
2. The method of claim 1 wherein the requesting computer is located at a distance of at least 1 kilometer from the providing computer.
3. The method of claim 1 wherein the requesting computer and the providing computer are not both members of a single local area network.
4. The method of claim 1 wherein the step of negotiating comprises negotiating a compensation rate for the use of the resource.
5. The method of claim 1 wherein the step of negotiating comprises negotiating a subject matter to which the resource will be applied.
6. The method of claim 1 wherein the step of negotiating comprises negotiating a percent of availability of the resource at the providing computer.
7. The method of claim 1 wherein the step of negotiating comprises negotiating another condition under which an additional resource computer provides another resource to the requesting computer.
8. The method of claim 6 wherein an additional resource computer is located is located at a distance of at least 1 kilometer from the requesting computer.
9. The method of claim 1 further comprising:

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the requesting computer obtaining an item of ratings information about the providing computer from a directory hosting computer; and
the requesting computer executing a first program code that determines an extent to which the requesting computer interacts with the providing computer based at least in part upon the obtained item of ratings information.

10. The method of claim 9 wherein the item of ratings information relates to a job previously executed by the providing computer with respect to at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value.
11. The method of claim 9 wherein the step of negotiating includes the requesting computer using the item of ratings information obtained from the directory hosting computer to negotiate with the providing computer.
12. The method of claim 1 further comprising the providing computer listing the resource on a directory of available resources.
13. The method of claim 12 further comprising the providing computer listing the condition on the directory of available resources.
14. The method of claim 12 further comprising a hosting computer hosting the directory, and associating a ratings with the providing computer.
15. The method of claim 12 further comprising the providing computer additionally listing an item of ratings information on the directory.
16. The method of claim 1 wherein the step of negotiating occurs automatically without any direct human intervention.
17. The method of claim 1 further comprising the requesting computer broadcasting a recruitment message.
18. A directory of computer controlled resources, comprising:
a plurality of resource descriptions;

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at least one condition for use of each of the plurality of resource descriptions; and
at least one item of ratings information for each of the plurality of resource
descriptions.

19. The directory of claim 18, wherein the condition relates to a job previously executed by the providing computer with respect to at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value.
20. The directory of claim 18 wherein the condition comprises an authorization for the requesting computer to report to a directory hosting computer another item of ratings information regarding an interaction between the requesting computer and the providing computer.

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AMENDED CLAIMS

[received by the International Bureau on 21 September 2001 (21.09.01);
original claims 18 and 19 amended; new claim 21 added;
remaining claims unchanged (2 pages)]

the requesting computer executing a first program code that determines an extent to which the requesting computer interacts with the providing computer based at least in part upon the obtained item of ratings information.

10. The method of claim 9 wherein the item of ratings information relates to a job previously executed by the providing computer with respect to at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value.
11. The method of claim 9 wherein the step of negotiating includes the requesting computer using the item of ratings information obtained from the directory hosting computer to negotiate with the providing computer.
12. The method of claim 1 further comprising the providing computer listing the resource on a directory of available resources.
13. The method of claim 12 further comprising the providing computer listing the condition on the directory of available resources.
14. The method of claim 12 further comprising a hosting computer hosting the directory, and associating a ratings with the providing computer.
15. The method of claim 12 further comprising the providing computer additionally listing an item of ratings information on the directory.
16. The method of claim 1 wherein the step of negotiating occurs automatically without any direct human intervention.
17. The method of claim 1 further comprising the requesting computer broadcasting a recruitment message.
18. A directory of computer controlled resources, comprising:
a plurality of resource descriptions;
at least one condition for use of each of the plurality of resource descriptions; and
at least one item of ratings information for each of the plurality of resource descriptions, wherein the at least one item of ratings information is used by a requesting computer to negotiate with a providing computer.

19. The directory of claim 18, wherein the condition relates to at least one resource availability factor selected from: available time, subject matter restriction, task priority, compensation, and likelihood of downtime.
20. The directory of claim 18 wherein the condition comprises an authorization for the requesting computer to report to a directory hosting computer another item of ratings information regarding an interaction between the requesting computer and the providing computer.
21. The directory of claim 18, wherein the item of ratings information includes at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value.